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8 **UNITED STATE DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 DEANDRE MOORE, JR., an individual,

11 Plaintiff(s), Case No.: 2:24-cv-01103-JAD-BNW

12 vs.

13 **JOINT DISCOVERY PLAN AND**
SCHEDULING ORDER [SUBMITTED IN
COMPLIANCE WITH L.R. 16-1(B)]

14 OVERTIME SPORTS, INC., a domestic
 15 corporation; DOE EMPLOYEE, an individual;
 DOES II through X; and ROE
 CORPORATIONS I through X, inclusive,

16 Defendant(s).

17
 18 Plaintiff, DEANDRE MOORE, JR. ("Plaintiff"), by and through his counsel of record
 19 William A. Gonzales, Esq., of **MAIER GUTIERREZ & ASSOCIATES**, and Defendant, OVERTIME
 20 SPORTS, INC. ("Defendant"), by and through its counsel of record, Colt D. Dodrill, Esq., of
 21 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, hereby submit this Proposed Joint
 22 Discovery Plan and Scheduling Order.

23 **Fed.R.Civ.P.26(f) Conference.**

24 The parties participated in the supplemental FRCP 26(f) conference on February 11, 2025,
 25 and there were no discovery disputes at that time. The parties agreed to exchange their respective
 26 initial disclosure statements in a timely manner. After discussing the evidence in this case, counsel
 27 for the parties believe that two hundred seventy (270) days.

28 ///

1 ¹ will be sufficient to complete discovery and be prepared for trial. Accordingly, counsel
 2 now propose the following discovery plan:

3 **1. Discovery Cut-Off Date:** Defendant filed its Petition of Removal on June 13, 2024.
 4 Prior to filing the Petition of Removal, the parties had not begun discovery. Defendant filed its
 5 Motion for Summary Judgment and Motion to Stay to Discovery pending disposition of the Motion
 6 for Summary Judgment on June 28, 2024. *See* ECF 9 and 10. Defendant's Motion to Stay was
 7 granted on August 5, 2024, staying discovery in this case until Defendant's Motion for Summary
 8 Judgment was decided. *See* ECF 20. Defendant's Motion for Summary Judgment was denied on
 9 January 23, 2025. *See* ECF 21.

10 The parties request two hundred seventy (270) days from the date of the FRCP Rule 26
 11 discovery conference which equates to a discovery cut-off date of November 10, 2025 - 270 days
 12 after the FRCP Rule 26 conference.

13 Initial Fed. R. Civ. P. 26(a)(1) disclosures will be made by February 21, 2025. Plaintiff
 14 will provide Defendant with executed HIPAA authorizations and a list of medical providers by
 15 February 25, 2025.

16 **2. Amending the Pleadings and Adding Parties:** The parties request that all motions to
 17 amend the pleadings or to add parties be filed no later than August 12, 2025 - 90 days prior to the
 18 proposed close of discovery.

19 **3. Fed.R.Civ.P.26(a)(2) Disclosures (Experts):** The parties request the disclosure of
 20 experts be made on or before September 11, 2025 - 60 days before the proposed discovery cut-off
 21 date.

22 Disclosure of rebuttal experts shall be made by October 13, 2025 - 31 days after the initial
 23 disclosure of experts.

24 **4. Interim Status Report:** Under recent changes in the rules, the parties will not file an
 25 interim status report previously required by LR 26-3.

26
 27
 28 ¹ The Parties are jointly requesting 270 days in light of Plaintiff's location (Texas) and the medical nature of the
 case.

1 **5. Dispositive Motions:** The date for filing dispositive motions shall be no later than
 2 December 10, 2025 - 30 days after the proposed discovery cut-off date.

3 In the event that the discovery period is extended from the discovery cut-off date set forth
 4 in this proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall
 5 be extended to be not later than 30 days from the subsequent discovery cut-off date.

6 **6. Pretrial Order:** The date for filing the joint pretrial order shall not be later than January
 7 12, 2026 - 32 days after the cut-off date for filing dispositive motions. In the event that dispositive
 8 motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after
 9 decision on the dispositive motions or until further order of the court. In the further event that the
 10 discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and
 11 Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with
 12 the time periods set forth in this paragraph.

13 **7. Fed.R.Civ.P.26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.26(a)(3) .
 14 and any objections thereto, shall be included in the joint pretrial order.

15 **8. Alternative Dispute Resolution:**

16 The parties were previously ordered to a mandatory settlement conference in the Order
 17 denying Defendant's Motion for Summary Judgment (*See* ECF 21). The parties and their counsel
 18 believe that it is necessary to conduct some discovery before attempting to resolve this case. The
 19 parties request a judicial settlement conference take place after the initial expert disclosure
 20 deadline.

21 **9. Alternative Forms of Case Disposition:**

22 The parties certify that they discussed consenting to trial by a magistrate judge or engaging
 23 in the Short Trial Program under Fed.R.Civ.P, and at present do not consent to either alternative
 24 forms of case disposition. The parties will consider additional settlement discussions and are
 25 amenable to a settlement conference following the completion of certain discovery.

26 **10. Electronic Evidence:** The parties certify that they have discussed and intend to use
 27 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
 28 format compatible with the Court's electronic jury evidence display system. At present, the parties

1 have not agreed upon any stipulations regarding use of electronic evidence but will address this
 2 issue again in the Pre Trial Order.

3 **11. Extensions of Modifications of the Discovery Plan and Scheduling Order:** Any
 4 stipulation or motion must be made no later than 21 days before the subject deadline. Requests to
 5 extend discovery deadlines must comply fully with L.R. 26-3.

6 Respectfully submitted this 21st day of February 2025.

7 **MAIER GUTIERREZ & ASSOCIATES**

8 By: /s/ *William A. Gonzales*

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11 Attorney for Plaintiff

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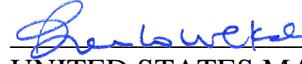
By: /s/ *Colt D. Dodrill*

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12 Attorneys for Defendants

13 **ORDER**

14 **IT IS SO ORDERED.**

15 
 16 UNITED STATES MAGISTRATE JUDGE
 17 DATED: 2/25/2025